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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **STEPHANIE WILSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT FOR VIOLATION**
14) **OF FEDERAL FAIR DEBT**
15) **COLLECTION PRACTICES ACT**
16)
17 **NATIONWIDE CREDIT, INC.,**)
18)
19 Defendant.)
20)
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18 **NATURE OF ACTION**

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20 1. This is an action brought under the Fair Debt Collection Practices
21 Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*, and the Telephone Consumer
22 Protection Act ("TCPA"), 47 U.S.C. § 227.
23

24 **JURISDICTION AND VENUE**

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26 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d), 47 U.S.C. §
27 227(b)(3), 28 U.S.C. § 1331, and 28 U.S.C. § 1367(a).

28 COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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4. Plaintiff, Stephanie Wilson (“Plaintiff”), is a natural person who at all relevant times resided in the State of Washington, County of Clallam, and City of Port Angeles.

6. Defendant, Nationwide Credit, Inc. (“Defendant”) is an entity who at all relevant times was engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a debt owed or due, or asserted to be owed or due a creditor other than Defendant.

9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted to be owed or due a creditor other than Defendant, arises from a transaction in

1 which the money, property, insurance, or services that are the subject of the
2 transaction were incurred primarily for personal, family, or household purposes.
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4 10. Defendant uses instrumentalities of interstate commerce or the mails
5 in a business the principal purpose of which is the collection of any debts, and/or
6 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
7 or asserted to be owed or due another.
8

9 11. Within one (1) year preceding the date of this Complaint, Defendant
10 made and/or placed a telephone call to Plaintiff's cellular telephone number, in
11 effort to collect from Plaintiff an obligation, or alleged obligation, owed or due,
12 or asserted to be owed or due a creditor other than Defendant.
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15 12. Within one (1) year preceding the date of this Complaint, Defendant
16 willfully and knowingly utilized an automatic telephone dialing system to make
17 and/or place a telephone call to Plaintiff's cellular telephone number, in effort to
18 collect from Plaintiff an obligation, or alleged obligation, owed or due, or asserted
19 to be owed or due a creditor other than Defendant.
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22 13. Communicating with Plaintiff after having received a letter from
23 Plaintiff with a request to cease and desist all collection contacts or a statement
24 that Plaintiff refuses to pay the debt (§ 1692c(c)), and after having received a
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1 written communication from Plaintiff disputing the debt, continuing to contact
2 Plaintiff without having first having provided validation of the debt (§ 1692g(b)).
3

4 14. On June 8, 2010, Defendant sent its initial collection letter to the
5 Plaintiff.
6

7 15. On July 1, 2010, Plaintiff sent Defendant a written response which
8 stated that she was disputing the debt, requested that Defendant provide
9 validation of the debt and requested that Defendant cease all further collection
10 calls in relation to the debt.
11

12 16. On at least one occasion subsequent to receiving the aforementioned
13 letter, Defendant made another phone call to Plaintiff in an attempt to collect the
14 debt.
15

16 17. Defendant placed multiple non-emergency calls to Plaintiff's cellular
17 telephone, without the prior express consent of Plaintiff, using an automatic
18 telephone dialing system. (47 U.S.C. 227(b)(1)(A)(iii)).
19
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21 18. Defendant's actions constitute conduct highly offensive to a
22 reasonable person.
23

24 COUNT I

25 19. Plaintiff repeats and re-alleges each and every allegation contained
26 above.
27

20. Defendant violated the FDCPA as detailed above.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- a) Adjudging that Defendant violated the FDCPA;
- b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
in the amount of \$1,000.00;
- c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
- d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
this action;
- e) Awarding Plaintiff any pre-judgment and post-judgment interest as
may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just
and proper.

COUNT II

21. Plaintiff repeats and re-alleges each and every allegation contained above.

22. Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii) by willfully and knowingly utilizing an automatic telephone dialing system to make and/or place a telephone call to Plaintiff's cellular telephone number.

WHEREFORE, Plaintiff prays for relief and judgment, as follows:

- 1 a) Adjudging that Defendant violated 47 U.S.C. § 227(b)(1)(A)(iii);
- 2 b) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
- 3 227(b)(3)(B), in the amount of \$500.00 per violation;
- 4
- 5 c) Awarding Plaintiff statutory damages, pursuant to 47 U.S.C. §
- 6 227(b)(3)(C), in the amount of \$1,500.00 per violation;
- 7
- 8 d) Awarding Plaintiff actual damages, pursuant to 47 U.S.C. §
- 9 227(b)(3)(B);
- 10
- 11 e) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
- 12 this action;
- 13
- 14 f) Awarding Plaintiff any pre-judgment and post-judgment interest as
- 15 may be allowed under the law.
- 16

17 **TRIAL BY JURY**

18 Plaintiff is entitled to and hereby demands a trial by jury.

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20 Respectfully submitted this 15th day of November, 2010.

21

22 s/Jon N. Robbins

23 Jon N. Robbins

24 WEISBERG & MEYERS, LLC

25 Attorney for Plaintiff

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